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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,042	03/30/2001	Juan A. Garay	7-42-7-29	1008

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EXAMINER	
NGUYEN, MINH DIEU T	
ART UNIT	PAPER NUMBER
2137	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/823,042	GARAY ET AL.	
	Examiner	Art Unit	
	Minh Dieu Nguyen	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. Claims 1-44 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5, 12-17, 24-26, 31, 34-35 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Spies et al., (6,055,314).

a) As to claims 1 and 16, Spies discloses systems and methods for secure purchase and delivery of video content programs over various distribution media including a cryptographic key store for storing a transformed cryptographic key and accessing circuitry for accessing the transformed crypto key from the crypto key store (col. 5, lines 40-44; Fig. 3) comprising the step of storing key re-transforming information for the transformed crypto key in a decryption store (col. 3, lines 5-18), the accessing circuitry being able to communicate with the decryption store exclusively via a predetermined interface, (Fig. 6, element 112; Figs. 7-8) the interface being such that the accessing circuitry is unable to access from the decryption store at least one of: at

least a portion of the key re-transforming information and at least a portion of the cryptographic key (col. 2, lines 34-42; col. 3, lines 65-67 to col. 4, lines 1-2).

b) As to claim 2, 17, 26 and 35, Spies discloses the interface is such that the accessing circuitry is unable to access from the decryption store both of: at least a portion of the key re-transforming information (col. 2, lines 39-42) and at least a portion of the cryptographic key (col. 3, line 67 to col. 4, line 1; col. 5, lines 48-49; col. 10, lines 62-64).

c) As to claims 5, 24, 31 and 38, Spies discloses the method further comprising the steps of the decryption store receiving the crypto key (col. 10, lines 37-39), the decryption store transforming the cryptographic key using key transforming information to produce the transformed crypto key (col. 10, lines 39-45) and the decryption store sending the transformed crypto key to the crypto key store (col. 10, lines 45-48).

d) As to claim 12, Spies discloses the accessing circuitry's communication with the decryption store comprises the transfer of information between them (Figs. 6-7).

d) As to claim 13, Spies discloses storing the transformed cryptographic key in the cryptographic key store for a period of time (col. 11, lines 20-25), the decryption depends upon the packet key and decryption information changes every packet, or approximately every 300ms anticipate crypto key is stored for a period of time.

e) As to claims 14-15, Spies discloses the step of erasing the crypto key from the decryption store at the completion of each crypto operation (col. 10, line 45) and the

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crypto key is stored in the decryption store in such a way that it disappears from the decryption store when the decryption store is removed from the system (col. 10, lines 46-48).

f) As to claims 25 and 34, Spies discloses a decryption store for storing key re-transforming information for a transformed crypto key, the decryption store comprising: a predetermine interface, the interface being operable to receive the transformed crypto key (Fig. 6, element 112) and an output port complying exclusively with the predetermined interface such that information is accessible from the decryption store through the output port wherein at least one of: at least a portion of the key re-transforming information and at least a portion of the crypto key being not accessible from the decryption store through the output port (col. 10, lines 59-64).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4, 32-33 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spies et al., (6,055,314) in view of Jaffe et al. (6,510,518).

Spies discloses the key re-transforming information comprises a key decrypting algorithm (Fig. 6, element 118), however he does not disclose a transformation pattern.

Jaffe discloses cryptographic tokens that must maintain the security of secret information in hostile environments comprising a transformation pattern that is unique to decryption store (col. 1, lines 19-34).

It would have been obvious to one ordinary skill in the art at the time of the invention to employ the use of a transformation pattern as Jaffe teaches in the system of Spies so as to strengthen the security of secret information.

6. Claims 6, 18, 27 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spies et al., (6,055,314) in view of Otway et al. (2004/0205344).

Spies discloses the method wherein the cryptographic key store comprises a computer memory and accessing circuitry comprises a processor. However, Spies does not disclose the decryption store comprises a mobile terminal.

Otway discloses a smart card (subscriber identification module – SIM) plugged into the mobile phone allows storing data and decrypting messages (page 3, paragraph [0025]).

It would be have been obvious to one ordinary skill in the art at the time of the invention to employ the use of mobile terminal in the decryption store as Otway teaches in the system of Spies so as to provide different types of communication interface devices to the network.

7. Claims 7, 19, 28 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spies et al., (6,055,314) in view of Novoa et al. (6,493,824).

Spies discloses the method wherein the cryptographic key store comprises a computer memory and accessing circuitry comprises a processor. However, Spies does not disclose the decryption store comprises a network access card.

Novoa discloses a secure system comprising a network interface card coupled between the central processing unit and the network (Fig. 2, element 117), the network interface card has decryption capabilities (Fig. 3, element 308).

It would be have been obvious to one ordinary skill in the art at the time of the invention to employ the use of network access card in the decryption store as Novoa teaches in the system of Spies so as to provide different types of communication interface devices to the network.

8. Claims 8-11, 20-23, 29-30 and 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spies et al., (6,055,314) in view of Richards (6,385,723).

a) As to claims 8-9, 20-21, 29-30 and 41-42, Spies discloses decryption store receiving the transformed crypto key (Fig. 3, element 72).

Richards discloses an IC card system and method for securely loading an application comprising receiving the transformed crypto key and information, re-transforming the transformed crypto key to produce the crypto key (Abstract). Richards discloses two basic types of encryptions (col. 4, lines 61-67 to col. 5, lines 1-45), wherein encrypting information with crypto key and transmitting the encrypted information over the network are disclosed also (Fig. 1; col. 2, lines 7-13; col. 5, lines 53-58).

It would be have been obvious to one ordinary skill in the art at the time of the invention to employ the use of decrypting the encrypted key to obtain the crypto key and further to use the crypto key to encrypt and transmit encrypted information as Richards teaches in the system of Spies so as to securely protect transmitted data.

b) As to claims 10-11, 22-23 and 43-44, a large portion of the claim limitations are addressed in above claims 8-9, 20-21, 29-30 and 41-42. Richards further discloses the IC card decrypts the key transformation unit to obtain the transfer key, then the transfer key is used to decrypt the encrypted information and the card user could access the decrypted information (Abstract).

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen



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Examiner  
Art Unit 2137

mdn  
12/3/04

Andrew Caldwell  
Andrew Caldwell